

March 21, 2019

Jon Niermann, Chairman
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Andrew Wheeler, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Deer Park ITC Fire Investigation

Dear Administrator Wheeler and Chairman Niermann:

With the re-ignition and continued events at the Intercontinental Terminals Company (ITC) facility in Deer Park today there is a renewed sense of urgency to provide all agencies on the ground the resources they need to contain the disaster and ensure public safety. Local officials have made it clear that their lack of mobile air testing units has hindered the process of air monitoring, a problem that is easily solved. All officials must be working in complete coordination with all agencies on-site in order to provide them with the resources they need to safely manage this emergency and mitigate further damage.

As the situation at ITC continues to develop, officials involved should be preparing for a full and transparent investigation that will follow. Inquiry into the cause and consequences of the entire local disaster is needed to ensure that everyone responsible is held accountable. I expect that the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) will uphold all safety standards to the highest level, something that should be reflected in the outcome of the investigation. ITC and any other entity involved in this accident will face consequences for their actions, or lack thereof, that negatively impacted the Houston and surrounding areas.

Through data from TCEQ, I am aware that ITC has a history of negligence in regards to certain regulation standards. In 2017 alone, three enforcement orders from TCEQ were brought against ITC resulting in action against the company. Incidents included multiple emissions releases and failure to report emissions events in the required time frame. The company also received 28 written notifications of various different violations from 2013 to 2018. Given the extensive history of ITC's noncompliance, the investigation should be conducted with strict enforcement of all safety standards and regulations.

As a result of the incident at ITC that began on Sunday, March 17 questions have been appropriately raised regarding the air and water quality in the area. I know EPA and TCEQ have been consistently monitoring the air quality for the protection of all citizens. Although the results from the water testing are yet to be released, I anticipate that any and all environmental impacts will be taken into full account during the investigation. This includes the raised level of benzene that triggered a shelter-in-place for the Deer Park and Galena Park areas on Thursday, March 21. Questions have also been raised regarding whether or not proper procedures were followed, **particularly the use of foam to contain emissions release from the containers.**

This ongoing situation should be a top priority for all officials as it affects both the environmental conditions in our region and our residents. As a consequence of this local disaster it is obvious that stricter enforcement of regulatory standards is needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol Alvarado', with a stylized, cursive script.

Carol Alvarado
State Senator, District 6

cc: Governor Greg Abbott, Attorney General Ken Paxton, Congressman Brian Babin, Congresswoman Sylvia Garcia, Senator Larry Taylor, State Representative Mary Ann Perez, County Judge Lina Hidalgo, County Commissioner Adrian Garcia, Mayor Sylvester Turner, Mayor Jerry Mouton Jr., Mayor Jeff Wagner, Mayor Esmeralda Moya, Mayor Ana Diaz, Mayor Brandon Capetillo